

Patent Application
Attorney Docket No. PC10759A
RESPONSE AFTER FINAL OFFICIAL ACTION
EXPEDITED PROCEDURE REQUESTED

created doctrine of obviousness double patenting. Withdrawal of the rejection is respectfully requested.

Claims 1, 3, 5-11 and 17 have been rejected under 35 USC 102 as allegedly anticipated by Chen (WO 95/33750). According to the Examiner, the cited reference is anticipatory for A = CH, R₃ = CH₃, B = NR₁R₂, wherein R₁ and R₂ are independently C₂-C₃ alkyl; R₄ = CONR₂₄R₂₅ or COOR₂₄; Z = O; R₅ = phenyl.

However, it is respectfully submitted that Claims 1, 3, 5-11 and 17 are not anticipated by Chen. Claim 1 has been amended for the sake of expediting prosecution to delete the recitation "C₁-C₆ alkyl" from the definition of R₁. Claims 6 and 7 have been similarly amended. Chen does not disclose R₁ as defined in Claims 1, 6 and 7 as amended. With regard to Claim 8, purely for the sake of expediting prosecution, the compound recited in the last line of Claim 8 of the instant application has been cancelled. Claim 8 has also been rewritten in independent form.


In view of the foregoing, Chen does not anticipate Claims 1, 3, 5-11 and 17. Withdrawal of the rejection under 35 USC 102 of Claims 1, 3, 5-11 and 17 as allegedly anticipated by Chen is respectfully requested.

New Claims 23-27, 28-32, 33, and 34 have been added to recite the limitations cancelled from, respectively, Claims 9, 10, 14 and 20 identified above. It is respectfully submitted that new Claims 23-34 do not introduce new matter. It is respectfully submitted that the new claims, which depend on patentable claims, are themselves patentable. Applicants further point out that new Claims 25 and 26, dependent on Claim 9, and new Claims 30 and 31, dependent on Claim 10, are directed to depression and forms of depression, which are supported by an enabling disclosure, by Examiner's own acknowledgment (see Official Action, page 4, para. 2, first sentence). Accordingly, new Claims 25, 26, 30 and 31 are patentable for this additional reason.

In view of the foregoing, reconsideration of all rejections and allowance of all pending claims is respectfully requested.

The Commissioner is hereby authorized to charge any fees required under 37 C.F.R. §§1.16 and 1.17 or to credit any overpayment to Deposit Account No. 16-1445.

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Date: April 15, 2004


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